

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

Google, Inc.,

NO. C 05-00598 JW

Plaintiff,

**ORDER TO SHOW CAUSE
RE: SETTLEMENT**

v.

Affinity Engines, Inc.,

Defendant.

During the week of November 28, 2005, counsel for Plaintiff David H. Kramer, informed the Court that the above-entitled matter has reached a settlement. In light of the settlement, the Court vacates all trial and pretrial dates, including the hearing currently scheduled for December 5, 2005. On or before January 13, 2006, the parties shall file a stipulated dismissal pursuant to Federal Rule of Civil Procedure 41(a).

If a dismissal is not filed by the specified date, all parties shall appear in Courtroom No. 8, 4th Floor, United States District Court, 280 South First Street, San Jose, California on January 30, 2006, at 9:00 a.m. and to show cause, if any, why the case should not be dismissed pursuant to Fed. R. Civ. P. 41(b). On or before January 13, 2006, the parties shall file a joint statement in response to the Order to Show Cause. The joint statement shall set forth the status of the activities of the parties for finalizing the settlement and how much additional time is requested to finalize and file the dismissal. If a voluntary dismissal is filed as ordered, the Order to Show Cause hearing will be automatically vacated.

Failure to comply with any part of this Order will be deemed sufficient grounds to dismiss this action.

Dated: December 2, 2005

05eciv598oscsettl

/s/ James Ware

JAMES WARE

United States District Judge

1 **THIS IS TO CERTIFY THAT COPIES OF THIS ORDER HAVE BEEN DELIVERED TO:**

2 Colleen Bal cbal@wsgr.com
David H. Kramer dkramer@wsgr.com
3 Eric L. Wesenberg ewesenberg@orrick.com
Gabriel M. Ramsey gramsey@orrick.com
4 George Hopkins Guy hopguy@orrick.com
James A. DiBoise jdiboise@wsgr.com
5 Michael A. Berta mberta@wsgr.com
Peter J. O'Rourke porourke@orrick.com
6 Rory Bens rbens@orrick.com

7 **Dated: December 2, 2005**

Richard W. Wieking, Clerk

8
9 **By: /s/ JW Chambers**
Ronald L. Davis
Courtroom Deputy